

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BABY BEAN PRODUCTIONS LLC,

Plaintiff,

V.

DC SHOES INC.,

Defendant.

Civil Action No. 07-CV-3616 (MGC)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law dated June 7, 2007, and upon all prior proceedings heretofore had herein, the defendant DC Shoes Inc. shall move this Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, before the Honorable Miriam Goldman Cedarbaum, at 500 Pearl Street, Courtroom 14A, New York, New York 10007, on July 5, 2007 at 9:30 a.m., for an order dismissing the Second Count of plaintiff's First Amended Complaint dated May 9, 2007 for failure to state a claim upon which relief may be granted.

Answering papers, if any, shall be served so as to be received by the undersigned counsel no later than noon on June 27, 2007.

Dated: New York, New York
June 7, 2007

KANE KESSLER, P.C.

By: 

Adam M. Cohen (AMC-9918)

Gillian Overland (GO -7300)

Attorneys for Defendant DC Shoes Inc.

1350 Avenue of the Americas

New York, New York 10019

(212) 541-6222

TO: Jeffrey Sonnabend
Sonnabend Law
600 Prospect Avenue
Brooklyn, NY 11215-6012
(718) 832-8810

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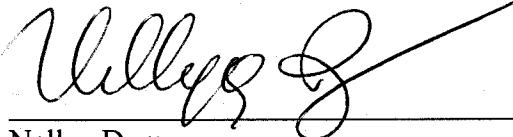
I, **NELLYA DYM**, being duly sworn, say: I am not a party to the within action, am over 18 years of age, and reside in Brooklyn, New York.

On June 7, 2007, I served the within:

1. **NOTICE OF MOTION;**
2. **MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THE SECOND COUNT OF THE FIRST AMENDED COMPLAINT, with EXHIBITS; and**
3. **RULE 7.1 DISCLOSURE STATEMENT.**

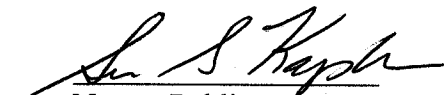
by sending a true copy hereof by ***Federal Express*** under the exclusive care and custody of federal express mail addressed to the following:

Jeffrey Sonnabend
SONNABEND LAW
600 Prospect Avenue
Brooklyn, NY 11215-6012



Nellya Dym

Sworn to before me this
7th day of June, 2007



Notary Public

SUSAN KAPLAN
Notary Public, State of New York
No. 01KA5008179
Qualified in Kings County
Commission Expires February 15, 2011